

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:19-00308

JAN RUCKER

**MEMORANDUM OPINION AND ORDER**

Pending before the court is defendant's motion to continue trial in this case for 45 days. (ECF No. 31.) Counsel for defendant states that additional time is needed to review recently received discovery materials, and defendant also states that the government is not opposed to this requested continuance. (Id.) Pursuant to this court's earlier order, (ECF No. 30), a jury trial was set in this case for July 29, 2020. Proposed voir dire questions, jury instructions, and witness lists were due by July 21, 2020, and pretrial motions were due by June 29, 2020, with a pretrial motions hearing set for July 6, 2020. (Id.) For good cause shown, the court hereby **GRANTS** defendant's motion to continue.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the best interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** the defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors

outlined in 18 U.S.C. § 3161(h) (7) (B) and finds that denying the motion "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." Id. § 3161(h) (7) (B) (iv) .

Accordingly, the court hereby **ORDERS** as follows:

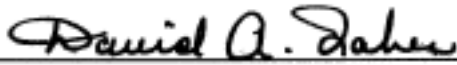
- I. Pretrial motions are due to the court by **August 10, 2020**;
- II. The pretrial motions hearing is continued until **August 17, 2020, at 11:00 a.m. in Bluefield**;
- III. Proposed Jury Instructions, Proposed Voir Dire, and Proposed Witness Lists are due to the court by **September 2, 2020**;
- IV. Trial of this action is continued until **September 9, 2020, at 9:30 a.m. in Bluefield**;
- V. Pursuant to 18 U.S.C. § 3161(h) (7) (A), the time from the filing of defendant's motion to the new trial date of September 9, 2020, is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States

Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 25th day of June, 2020.

**ENTER:**



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David A. Faber

Senior United States District Judge